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NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

NATHAN THOMS, individually and on behalf )  
of himself and others similarly situated, )

Plaintiff,

v.

OFFICEMAX NORTH AMERICA, INC., an )  
Ohio corporation; and DOES 2 through 50, )  
inclusive )

Defendant.

Case No. 11-cv-02233 SBA

**SUBSTITUTION OF COUNSEL AND  
~~PROPOSED~~ ORDER GRANTING  
SUBSTITUTION**

Defendant OfficeMax North America, Inc. ("OfficeMax") has been represented by Matthew Ryan Orr, Scott Richard Hatch, Elham Marder, and Jeffrey Daymon Neumeyer in this action.

It is hereby consented that Michael J. Burns and Giovanna A. Ferrari of Seyfarth Shaw LLP, 560 Mission St., Suite 3100, San Francisco, California 94105 [Telephone: (415) 397-2823, Fax: (415) 397-8549] be and hereby are substituted in place and instead of Matthew Ryan Orr and Scott Richard Hatch of Call & Jensen, 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660 as attorneys for Defendant OfficeMax in this action and that this substitution be entered into effect without further notice. The substitution has no effect on Mr. Neumeyer and Ms. Marder's representation of OfficeMax in this action; they will continue to represent OfficeMax and should receive all notices and pleadings in this matter.

1 Accordingly, if the Court approves this substitution, all further notices and pleadings in  
2 this matter should be sent to:

3 Michael J. Burns  
4 Seyfarth Shaw LLP  
5 560 Mission St., Suite 3100  
6 San Francisco, California 94105  
7 Telephone: 415-397-2823  
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11 Elham Marder  
12 OfficeMax Incorporated  
13 1111 West Jefferson St., Suite 510  
14 Boise, ID 83702  
15 Telephone: 208-388-4183  
16 Facsimile: 630-647-3864  
17 ElhamMarder@OfficeMax.com

15 Jeffrey Daymon Neumeyer (Admitted *Pro Hac Vice*)  
16 OfficeMax Incorporated  
17 1111 West Jefferson St., Suite 510  
18 Boise, ID 83702  
19 Telephone: 208-388-4177  
20 Facsimile: 630-647-3864  
21 JeffNeumeyer@OfficeMax.com

19 By signing below, OfficeMax's counsel hereby agree to this substitution and represent  
20 that it will cause no delay in the prosecution of this case to completion.

21 DATED: September 26, 2011

SEYFARTH SHAW LLP

22 By: \_\_\_\_\_ /S/  
23 Michael J. Burns

24 Attorneys for Defendant  
25 OFFICEMAX NORTH AMERICA, INC.  
26  
27  
28

1 DATED: September 26, 2011

SEYFARTH SHAW LLP

2 By: \_\_\_\_\_/S/

3 Giovanna A. Ferrari

4 Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

5 DATED: September 26, 2011

OFFICEMAX INCORPORATED

6 By: \_\_\_\_\_/S/

7 Elham Marder

8 Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

9 DATED: September 26, 2011

OFFICEMAX INCORPORATED

10 By: \_\_\_\_\_/S/

11 Jeffrey Daymon Neumeyer

12 Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

13 DATED: September 26, 2011

CALL & JENSEN

14 By: \_\_\_\_\_/S/

15 Matthew R. Orr

16 Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

17 DATED: September 26, 2011

CALL & JENSEN

18 By: \_\_\_\_\_/S/

19 Scott R. Hatch

20 Attorneys for Defendant  
OFFICEMAX NORTH AMERICA, INC.

21 **[PROPOSED] ORDER**

22 IT IS SO ORDERED.

23  
24  
25 DATED: 9/27/11

26   
Honorable Sandra B. Armstrong  
United States District Judge

**Attestation Pursuant to General Order No. 45, Section X**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 26<sup>th</sup> day of September, 2011, at San Francisco, California.

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Giovanna A. Ferrari